

REMARKS

Claims 14-21 and 32-47 are pending in the present application. Claims 14-21 and 32-47 have been rejected. Claims 14, 32, and 40 have been amended. Claims 17, 35, and 43 have been cancelled. Support for the amendments to claims 14, 32, and 40 can be found in now cancelled claims 17, 35, and 43, for example. No new matter has been added.

Interview Summary

The Applicants' undersigned representative thanks Examiner Haq for the thoughtful courtesies and kind treatment afforded during the telephonic interview of November 19th 2007. In the interview, Applicants' proposed amendments to claims 14, 32, and 40 were discussed. The Examiner stated that a new search may be required. No agreement was reached. However, the Examiner indicated that because the proposed amendments were substantially similar to claim 17, a non-final office action would result from any rejections based on newly found art.

35 U.S.C. § 102(b) Rejections

Claims 14-18, 21, 32-36, 39-44, and 47 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,473,739 (Showghi). Independent claim 14 as amended contains features that are neither taught nor suggested by Showghi. Independent claim 14 recites:

A computer-implemented method comprising:
outputting a first page for display on an electronic device,
the first page including a first field for receiving a first customer
request;
receiving the first customer request in a selected input
modality chosen from among a plurality of input modalities
available for data entry into the first field;
**determining sales information responsive to the
customer request by receiving an auto-identification signal
from a mobile container, the auto-identification signal
identifying a product for sale, wherein the mobile container is**

equipped with a reader for reading the auto-identification signal and a transmitter for transmitting the auto-identification signal;

associating the sales information with each of the plurality of input modalities;

outputting a second page for display on the electronic device, the second page displaying the sales information and including a second field for receiving a second customer request in any one of the plurality of input modalities.

Showghi fails to teach or suggest **determining sales information responsive to the customer request by receiving an auto-identification signal from a mobile container, the auto-identification signal identifying a product for sale, wherein the mobile container is equipped with a reader for reading the auto-identification signal and a transmitter for transmitting the auto-identification signal**, as taught by claim 14 as amended. A similar feature was found in now cancelled claim 17. In the rejection to that claim the Examiner stated that the claim was taught by Showghi, but failed to specifically point out where in Showghi such a feature was taught or suggested.¹ Applicants respectfully submit that there is no mention of a **mobile container, or receiving an auto-identification signal identifying a product for sale from a mobile container** anywhere in Showghi. If the Examiner maintains that Showghi teaches the claimed feature, Applicants respectfully request that the Examiner specifically point out where in Showghi the teaching is found. Applicants therefore respectfully request that the Examiner withdraw the rejection and allow claim 14.

Independent claims 32 and 40 contain features that are similar, but not identical, to independent claim 14, and are therefore allowable for reasons similar to those described above for the independent claim. Applicants therefore respectfully request that the Examiner withdraw the rejection and allow claims 32 and 40.

Claims 15, 16, 18, 21, 33, 34, 36, 39, 41, 42, 44, and 47 are all variously dependent on independent claims 14, 32, and 40, and are therefore allowable for at least the reasons given above for the independent claims. Applicants therefore respectfully request that the Examiner withdraw the rejections and allow claims 15, 16, 18, 21, 33, 34, 36, 39, 41, 42, 44, and 47.

¹ Applicants further submit that the Examiner similarly failed to specifically address or point out where Showghi teaches the features of dependent claims 15, 16, 18, 21, 33-36, 39, 41-44, and 47.

35 U.S.C. § 103(a) Rejections

Claims 19, 20, 37, 38, 45, and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Showghi in view of official notice that “it is old and well known in the art to use HTML or VXML for data entry.” Applicants respectfully traverse the Examiner’s official notice that “it is old and well known in the art to use HTML or VXML for data entry.” Under MPEP § 2144.03(A), official notice may only be taken by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art, are capable of instant and unquestionable demonstration as being well-known. *See* MPEP § 2144.03(A). More to the point, an Examiner is prohibited from taking official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. *See id.* In the instant case, the Applicants respectfully assert that the feature of using HTML or VXML for data entry is not capable of instant and unquestionable demonstration. Indeed, although the Examiner has considered the over sixty lengthy and comprehensive references of record in the Forms PTO-1449 and PTO-892 which accompany the present Office Action, it is noteworthy that none of these references are even asserted by the Examiner to describe this feature, a feature which is alleged to be instantly and unquestionably demonstrated or “well known” by the art. Applicants respectfully assert that these features are ineligible for official notice and further request that the Examiner provide documentary evidence if the rejection is to be maintained. *See* MPEP § 2144.03(C).

Applicants further submit that even if the Examiner establishes that the use of HTML and VXML was well know, the use of HTML and VXML for data entry fails to cure the deficiencies described above with respect to Showghi and the independent claims from which these claims depend. Applicants therefore respectfully request that the Examiner withdraw the rejections and allow claims 19, 20, 37, 38, 45, and 46.

Conclusion

Based on the arguments presented, Applicants respectfully submit that the claims are in condition for allowance.

Applicant : Raiyani et al.
Serial No. : 10/743,348
Filed : December 23, 2003
Page : 10 of 10

Attorney's Docket No.: 13909-138001 / 2003P00442 US01

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, objection, issue, or comment, including the Office Action's characterizations of the references, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation.

No fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 11/21/2007

/Michael W. Tieff/
Michael W. Tieff
Reg. No. 57,845

Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022
Telephone: (302) 652-5070
Facsimile: (877) 769-7945

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